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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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09/925,125

08/09/2001

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12716

5893

26890

7590

04/21/2009

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EXAMINER

TO, BAOQUOC N

ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

04/21/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/925,125 | <b>Applicant(s)</b><br>SCHEURICH ET AL. |  |
|                              | <b>Examiner</b><br>BAOQUOC N. TO     | <b>Art Unit</b><br>2162                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01/26/2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-34, 44-52, 64, 65, 67, 68, 71 and 74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 12-34, 44-52, 64, 65, 67, 68, 71 and 74 is/are allowed.
- 6) ☒ Claim(s) 37 and 71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In response to the Office Action dated 01/26/2009, the applicants amend the application as follow:

Claims 12-13, 44-47, 49, 51, 64-65 and 67-68 are amended.

Claims 1-10, 12-34, 27, 44-52, 64-65, 67-68, 71 and 74 are pending this application.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 37 and 71 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 37 and 71 are rejected under 35 U.S.C. 102(e) as being Smirnov et al. (Patent No. 6,321,133 B1).

As to claim 1, Smirnov discloses a computer-readable medium comprising computer-executable instructions for generating and distribution information based on a collection of data, the instructions causing a computer to:

Create an executable sequence of associated discrete items executable in a computer environment, wherein at least one of the associated discrete items defines a query to be run against the collection of data, and at least one of the associated discrete items defines a distribution directive operable to distribute information based on the query to at least one destination (queries) (col. 1, lines 65-67);

Schedule the executable sequence for automatic execution in the computer environment, wherein at least one of the associated discrete items is denoted as coupled to another of the associated discrete items (a scheduler configured to produce schedules for jobs to be performed) (col. 1, lines 63-65); and

Execute said executable sequence to run said query against said collection of data, and distribute the information based upon the results of said query to said at least one destination (monitoring execution of one or more current schedules produced by the scheduler...) (col. 2, lines 1-11).

As to claim 71, Smirnov discloses a computer-implemented method for defining-query based processing to be performed for a collection of data via specification of a sequence of loosely-coupled processing directives, the system comprising:

A sequence definer for accepting a set of loosely-coupled processing directives, wherein at least one the processing directives is a query, at least one of said processing

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directives is an analysis directive, and wherein at least one of the processing directives is a distribution directive (queries) (col. 1, lines 65-67);

A sequence execution coordinator for coordinating execution of the sequence and coupling the processing directives during execution of the sequence (a scheduler configured to produce schedules for jobs to be performed) (col. 1, lines 63-65); and

A delivery coordinator for distributing results produced by the execution of the sequence to said one or more destination (monitoring execution of one or more current schedules produced by the scheduler...) (col. 2, lines 1-11).

#### ***Allowable Subject Matter***

4. Claims 1-10, 12-34, 44-52, 64-65, 67-68 and 74 are allowed.

The following is an examiner's statement of reasons for allowance:

As to claim 1, examiner respectfully agrees with the above argument "Bestgen et al. is not proper reference under 35 U.S.C is respectfully traversed..." in pages 14 and 15.

Claims 2-10, 12-34, 44-52, 64-65, 67-68 and 74 are depended on claim 1; therefore, claims 2-10, 12-34, 44-52, 64-65, 67-68 and 74 are allowed under the same reason as to claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

/Baoquoc N To/

Primary Examiner, Art Unit 2162